



AGENDA ITEM NUMBER \_\_\_\_\_

## Bernalillo County Board of County Commissioners

Meeting Date: September 28, 2010

Department: Zoning, Building, Planning & Env. Health

Staff Contact: Adella Gallegos, Assoc. Program Planner

**TITLE:**     **APPEAL:** Cancellation of a Special Use Permit for a Planned Mobile Home Development (CO-20100013/CSU-86-31)

### COUNTY PLANNING COMMISSION RECOMMENDATION:

Cancellation of the Special Use Permit.

#### SUMMARY:

At their August 4, 2010, public hearing, the County Planning Commission (CPC) voted 5-1 (Commissioner Chavez opposed, Commissioner Melendrez excused) to recommend cancellation of a Special Use Permit for a Planned Mobile Home Development. The subject property is located at 3110 Lisa Road SW, zoned M-H, and contains approximately 5 acres. The decision was based on five (5) Findings (Attachment 1).

The request for the cancellation of the Special Use Permit was initiated by the Zoning, Building, Planning, and Environmental Health Department due to the property owner's continued failure to submit a site development plan acceptable to the Planning Department and all other agencies for compliance with the Conditions of Approval for the Special Use Permit (CSU-86-31). The Board of County Commissioners granted the Special Use Permit in 1990 for a Planned Mobile Home Development on the subject property ( Attachment 2, Page 16). Over the years Staff has notified the owner of the non-compliance numerous times. Consequently, at the May 5, 2010 the CPC continued the hearing to allow the applicant another opportunity to submit the site development plan (Attachment 2).

The owner of the subject property (the appellant) is now appealing the decision of the CPC (Attachment 3). In the appeal application, the appellant states that: (1) Lisa Mobile Home Park established in 1980 should be grandfathered in because the County did not have jurisdiction"; (2) "We submitted three site plans over the years..."; (3) "We have contacted the zoning office to make sure we were in compliance."; (4) "All conditions have been complied. The County has acquiesced by waiting 10 years to require us meet conditions that we have already met and lost the paper work."; and (5) "The County Zoning has not applied the correct zoning ordinances that were in affect at the time of the placement of the waste water hook-ups and the site plan as well as the mobile home park being in existence prior to Bernalillo County's Jurisdiction." The appellant further states that that a fourth site development plan is in the process of being prepared; however, to date no submittal has been received.

## **ATTACHMENTS:**

1. County Planning Commission Notice of Decision Letters dated (August 9, 2010 and May 10, 2010)
2. County Planning Commission packet (August 4, 2010)
3. Appeal Application
4. Draft CPC Minutes, August 4, 2010
5. CPC Minutes May 10, 2010

## **STAFF ANALYSIS SUMMARY:**

Zoning/Building/Planning/Environmental Health:  
Staff recommends approval of the cancellation